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Supreme Court, U.S.
FILED

06-742 NOV 20 2006

OFFICE OF THE CLERK

No.____

In The
Supreme Court of the United States

CARL ROMANELLI,
Petitioner

vs.

THE BOARD OF ELECTIONS,
Respondents
BOB CASEY US DEMOCRAT SENATE CANDIDATE,
Respondents
(WILLIAM R. CAROSELLI, FRED R. LEVIN,
DANIEL J. ANDERS, PETER D. WINEBRAKE)
Respondents

On Petition for a Writ of Certiorari to
The Supreme Court of Pennsylvania Middle District

PETITION FOR A WRIT OF CERTIORARI

Carl Romanelli
344 South Franklin Street
Wilkes Barre, PA 18702
(570)8249442

QUESTIONS PRESENTED

1. Whether the Supreme Court of Pennsylvania, Middle District erred in its ruling which violates the Federal Election Act and the Equal Protection Due Process Clauses of the Fourteen Amendment, from Defendants The Board of Elections and Candidate Bob Casey should be reviewed in this Court.

2. Whether the Supreme Court of Pennsylvania, Middle District erred in its ruling which conflicts and violate Article II of the United States Constitution and the First Amendment of the United States Constitution should be reviewed in this Court

PARTIES TO THE PROCEEDING

The following individuals and entities are parties to the proceeding in this court are:

The Petitioner:

Carl Romanelli, United States Senate Independent Candidate, Pennsylvania elections

The Respondents:

The Board of Elections and Candidate Bob Casey United States Senate, Pennsylvania Elections, (William R. Caroselli, Fred R. Levin, Daniel J. Anders, Peter D. Winebrake

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INTRODUCTION

The Court's review is also essential in this case in order to protect the integrity of the elections process and in order to correct the serious Constitutional errors made by the Supreme Court of Pennsylvania, Middle District, by Orders of October 20, 2006, by Order of September 2006. It is imperative that this Court restitute the Constitutional rights of Petitioner who has been violated under differents forms (respondents should be sanctioned under the section 9035 and 9037 of the Federal Code of Elections and misabusing the abuse of power and obstruction of justice and especially violation of Article I Section 10 and Article II of the Constitution of the United States should have their constitutional rights restituted and Petition should have been on the ballot, and this Court should put the violations
by respondents and the errors of the lower Courts under immediate federal investigation.

OPINION BELOW

The opinion of the emergency review of the supreme Court of Pennsylvania, Middle District, contesting the Order of the error of the Supreme Court of Pennsylvania, Middle District should be addressed also right away by this Court.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED:

The Fourteenth Amendment to the Constitution of the United States provides, in pertinent part that no state shall make or enforce any law which shall abridge the privileges or imunities of citizens of the United States, no state should deprive any person of life, liberty or property without the due process of law, nor deny to any person within its jurisdiction the equal protection of the laws (U.S.Const,amend XIV).

JURISDICTION

The Supreme Court of Pennsylvania, Middle District case No.108 MPA 2006 as entered an Order on October 4th, 2006 an Order in September 25th and the last Order of October 20 th, 2006 erred in the matter of laws .

This Court has jurisdiction to review any final overcome rendered by the highest court of a state in which a decision could be had repugnant to the Constitution or laws of the United States or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or statutes of the United States 28.U.S.C. $ 1257 (a). Article II of the United States Constitution, the Fourteen Amendment to the

Constitution, Article I section 10, Federal Election Act section 9035 and 9037 ised these federal claims.

Accordingly the questions to be presented in the petition should reverse the decisions and enter all evidences evidences and the constitutional rights should being restituted fully and plainly fall within the Jurisdiction of this Court under 28.U.S.C § 1257 (a).

As this Court has long recognized, they have been instances where the Court entertained an appeal of an order that otherwise might be deemed interlocutory because the controversy has proceeded to a joint where a loosing identity (in that matter independent candidates U.S. Senate races (petitioners) would be irreparably injured if review were unavailing (Republic National Gas Co. v. Oklahoma 334 U. S 62,68 1948) as discussed below, an immediate stay from this Court is needed, petitioners face irreparable harm from the Decisions below.

Morever in Cox Broadcasting Corp. v. Cohn 420 U.S.469 (1975). This Court identified 4 categories of cases in which an order or judgment is sufficiently final to justify this Court review, even if further proceedings were denied in the court below. The independent candidates petitioners seeking review here might prevail on the merits on the federal issues in questions. If a refusal immediately to review the orders and opinions below takes place, the court's decision might seriously erode federal policy. (Id at 483 see also Forth Wayne Books Inc v Indiana 489 U.S 46,55 (1989) Aarco Inc. v. Kadish,490 U.S 605,612 (1982), Goodyear Atomic Corp v Miller 486 U.S.174 ,178-80 (1988) Hudson Distribs,inc v Eli Lilly & Co ,377 U.S,386,389, n4 1964) The Fourt Cox Broadcasting category is plainly applicable here.

This Court has an opportunity to decide the important Constitutional and statuory issues at stake.

Morever reversal of the court below on any federal questions presented in this case

STATEMENT OF THE CASE

FACTS

- Petitioner Carl Romanelli August 1st filing of 99,802 signatures, nomination petitions.

- Court August 8th allows Respondents to challenge it

- Court allows Respondents to rule that the signatures were invalid September.

- Sept. 25th

Refusal of the court to enter evidences against Bob Casey, (William R. Caroselli, Fred R. Levin, Daniel J. Sanders, Peter D. Winebrake) and ruling against Carl Romanelli which is a Violation of the Article 1 section 90, the Fourteen Amendment, violation of the Federal Code of the Election code by abuse of power and obstruction of justice and taking all constitutional rights way. And caused irreparable harm to the voters. The voters got taking away the choice of electors of the due process and equal protection act, the Court didn't allow the evidences to enter because Petitioner being on the ballot will have taking away a certain number of votes and will have make a difference in the elections and on the voter's voice to express their first amendment. (Oct. 2006)

This Court needs immediately this issue of violations of the federal laws.

The last order of October 20th was pure obstruction of justice, Bob Casey candidate knew that Carl Romanelli will pose a threat in the ballot so he viciously obstruct the evidence knowing that all the signatures that Carl Romanelli presented were valid, but caniving the justice will make win the elections and steal it by manipuling the supreme Court of Pennsylvania, Middle District, telling what to rule.

ARGUMENT

A. This petition fully satisfies the criteria that govern the propriety of granting the reversal because there is a reasonable probability that 4 members of the Court will consider the issue sufficiently meritorious to grant it. Graves v Barnes, 405 U.S.1201,1203(1972) (Powell, J in Chambers (2) there is a fair prospect that 5 Justices will conclude that the case was erroneously decided below. Lucas v Townsend ,486 U.S.1301,1304(1988)(Kennedy, J in Chambers, and (3) it is likely that irreparable injury will result if a stay is denied. Id California v. American Stre Co, 492 U.S.1301,1304 (1989) (O 'Connors J in chambers) In appropriate cases, the Circuit Justice may balance the equities to determine whether the injury asserted by the petitioners outweight the harm to other parties or to the public.Lucas,486 U.S at 1304 These factors clearly justify issuance of the stay here. A few issues can be very important. At stake, is the lawful resolution of a federal election for the office of the U.S. Senate which could have impact on the Presidential of 2008 and harm the public in the sense of voting for which the Constitution allows in this case. No right is more precious of having a voice in the election of those who make the

laws under which as good citizens we must live. Especially if the right to vote and the right to choose a candidate ,in this case, independent, that right is undermined. Williams Rhodes,393 U.S.23.31 (1968) (quoting Wesberry v Sanders, 376 U.S.1 ,17 (1964).

The Court's below decision poses an imminent danger to that right.

The Court's below decided an important question of federal law that has not been ,but should be and settled by this Court.

As discussed in greater detail below, this case presents important questions regarding the federal constitutional and statutory restraints on the ability of state to impose post hoc requirements in the federal election of the us senate race and to change for the resolution of controversies concerning the appointment of electors.

Errors could be a constitutional crisis.

B. Petitioner are likely to prevail on the merits
The Court 's decisions below violate Article II of The Constitution of the United States and article I section 90 and Federal election act section 9035,9037 and the Fourteen Amendment as well. As this Court has recognized The Constitution and leaves it to the legislature exclusively to define the method of effecting the object Mc Pherson v Blacke 146.U.S 1,27 (1892) emphasis Added). In so doing the legislature was not acting solely under the Authority given by the people of the state by a virtue of a direct Grant of authority made under (Art II of the United States Constitution)

By rewriting that statutory scheme, thus arrogating to itself the power to decide which candidate can be chosen against the people's will for which the Constitution and the Bill of Rights allow to do.

The decision below overrides numerous provisions of the detailed and specific statutory scheme erracted by the Pennsylvania legislature. Power of the state (Mc Pherson v Blocker 146 U.S,1,25(1892)

The Court bellows lacks jurisdiction to enter any ruling and any relief and any order from it should be vacate.
It is no answer to characterize the court's below decisions as an extraordinary exercice of judicial review.

C. Equal Protection The Court below decisions violates the equal protection and due process and the Fourteen Amendment. The Constitution of the United States protects the right of all qualified citizens to choose the candidate of their choice. By doing so,the courts bellows took away to the voters to choose an independent candidate in this senate race of
Pennsylvania as petitioners Carl Romanelli and Solange Chadda (Reynolds v Sinons,377 U.S,533,554 (1954).the right to vote and the right to choose who to vote for has been denied by a delution of the weight of a citizen's vote as effectively as by wholly prohibiting the free exercice of the Franchise (Reynolds 377 U.S at 555).

The conception of a political equality can mean only one thing, one person. one vote. In this case the court's below denied the right of equality to two independents to be on the

ballot ,so the people could have change the outcome of the race.

The discrimination of this independent, Carl Romanelli violate the fundamental principle of equal protection (discrimination based also upon factors such as race or economic status)
Due Process in Brisve V Kusper 435,F.2d 1046 (7th Circuit 1970) for example the Seventh Circuit invalidated an election board impositions of Ad Hoc requirements for nominations petitions board failure to issue guidelines clarifying the statuary standard for the due process Id at 1054,1055, as the Seventh Circuit explained , protection of the full measure of the First and the Fourteen Amendment freedom commands that state regulations of nomination procedure include a clear statement of specific requirements by which nominations will be tested Id at 1058.

It has constituted a violation of the due process clause

D. Petitioner will suffer irreparable harm in the absence of an immediate ruling and the balance of the equities clearly favors issuance of the ruling of the laws.
the stay.

Failure to resolve a controversy or a contest concerning the appointment of independent candidates pursuant to the Law as enacted prior to election day will jeopardize the conclusive effect unless this Court acts immediately the petitioners's injury will be irreparable. Reversal of the Court's decision is necessary to correct the clear constitutional errors and also it will irreparably harm the entire electoral process of the senatorial race in Pennsylvania under our federal /state dual scheme and to deprive the state of Pennsylvania in that senate

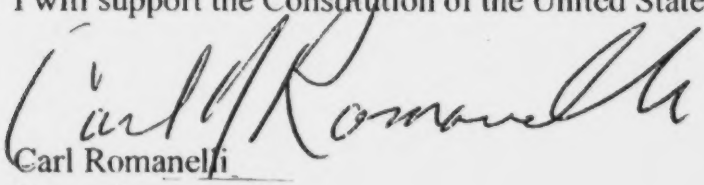
race to have its proper voice in the election, the very voice, Section 5 intents to protect.

CONCLUSION

Under these circumstances, the effect of a failure to grant a reversal could well be to deny petitioners fully effective relief in this Case and to inflict material harm to the electoral process of Senate Race Elections in Pennsylvania. It should justify by the extraordinary importance of the outcome of this Case and the extremely time sensitive nature of relief. Petitioners are threatened with irreparable injury and we should Protect the integrity of the federal electoral process while ensuring proper and orderly access to the judicial system.

DECLARATION

I, Carl Romanelli, Pro se does solemnly affirm that as a petitioner Pro se, I will conduct myself upright and according to the law and I will support the Constitution of the United States Nov 14th 2006



Carl Romanelli
November 18, 2006